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09/640,513	08/17/2000	David Lars Ehnebuske	AUS9-2000-0371-US1	6303
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IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			CARLSON, JEFFREY D	
			ART UNIT	PAPER NUMBER
			3622	

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/640,513
Filing Date: August 17, 2000
Appellant(s): EHNEBUSKE ET AL.

MAILED

OCT 22 2004

GROUP 3600

Lisa L.B. Yociss
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/30/04.

Art Unit: 3622

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 1-21 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

Art Unit: 3622

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,991,735

GERACE

11-1999

Taylor, David A., "Object-Oriented Information Systems," John Wiley & Sons, Inc.,

(1992), pps 1-3, 27-31, 41-44, 83-85, 224-226.

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerace (US5991735) in view of Taylor (Object-Oriented Information Systems).

Regarding claims 1, 8-10, 13-16, 21, users register with the system of Gerace which presents customized data to a requesting user. The data provided by Gerace includes customized content and formatting. Gerace achieves the methods using Object Oriented Programming (OOP) [2:10-30, 61-67]. Gerace lacks background on the principles and advantages of OOP. Taylor teaches basic features and advantages of Object Oriented Programming (OOP). Taylor teaches that objects are defined for entities in the business system to be modeled. The objects are defined as having attributes and are associated with procedures/methods that carry out a business rule(s).

Art Unit: 3622

Modules are programmed to represent different business functions which act on the objects and the associated methods (actions in OOP parlance). It would have been obvious to one of ordinary skill at the time of the invention to have employed these OOP programming techniques specified by Taylor for any business needs, including Gerace's business needs for customized data selection and presentment. Applicant's **selectors** are met by programming modules or subroutines; **actions** are met by methods and **classifiers and their classifications** are met by objects and their attributes.

Applicant's claim language that a selector invokes based on classifications being "applicable to current data processing system settings" is read as merely the selector invokes. Any stored elements such as the OOP content itself is taken to read on "current data processing system settings." Gerace teaches that new users are registered and given a new user cookie containing an identifier. Users also have stored values for several user attributes such as those in figure 3B. Gerace teaches that the user may volunteer such information and it would have been obvious to one of ordinary skill at the time of the invention to have collected such volunteered information when a new user registers. The personalized content of Gerace is selected based on such collected attributes of the user. Figures 3B, 5B, 5C, 5D, etc., are examples of Gerace's implementation of an object-oriented approach for matching modular user information with modular ad/content targeting information in order to achieve the selection of customized content targeted to the requesting user.

Art Unit: 3622

Regarding claims 2, 3, 17, 18, Taylor teaches that OOP is based on reuse of software components [pg 1], reuse tends to aid in development, debugging and maintenance.

Regarding claims 4, 5, 19, 20, Taylor teaches an integrated development environment that includes a class browser. This enables programmers to manage all of the software objects/components. Taylor describes a collapsible, hierarchical tree-like methods for managing the objects. When an object is highlighted, its methods are also highlighted. The tree-like browser enables a user to locate all classes in the system that call a particular method [pg 225-226]. It would have been obvious to one of ordinary skill at the time of the invention to have used such a development environment for displaying in an effective and understandable manner the classifier objects, actions and selectors when designing the business application of Gerace.

Regarding claims 6, 7, the system of Gerace creates a user profile and the system selects customized content to present the user. This functionality inherently relies on both user data (profile) and the system data (raw content).

Regarding claims 11, 12, it would have been obvious to one of ordinary skill at the time of the invention to have provided programming that always defined an action, regardless of the user - such as putting a universal navigation menu on the user pages. Gerace teaches that if the user does not have an established profile (i.e. a new user), the system presents a generic start page [4:32-54]. It would have been obvious to one of ordinary skill at the time of the invention to have programmed logic to display

Art Unit: 3622

customized contents for recognized users and otherwise provide the generic content if not recognized.

(11) Response to Argument

Because all claims stand or fall together, examiner will focus on applicant's arguments that are relevant to claim 1 for simplicity. Applicant argues that Gerace does not teach a classifying object that contains classification(s), an action object associated with a classification and which identifies functions to be performed, or a selector that invokes an action object based on the classification applicable to current data processing system settings. As stated above, applicant's **selectors** are met by programming modules or subroutines; **actions** are met by methods and **classifiers and their classifications** are met by objects and their attributes. Applicant's claim language that a selector invokes based on classifications being "applicable to current data processing system settings" is read as merely the selector invokes. Any stored elements such as the OOP content itself is taken to read on "current data processing system settings." Further, applicant agrees that Gerace provides programming, modules, subroutines, methods, objects and attributes as stated in the arguments. Applicant argues that user data is collected as the user interacts with the system/screens and customization is based on that history rather than user data stored at registration. Gerace teaches that the user may volunteer such information and it would have been obvious to one of ordinary skill at the time of the invention to have collected such information when a new user registers. The personalized content of Gerace is selected based on such attributes of the user. Even the user's password

Art Unit: 3622

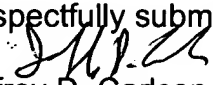
which is clearly stored at registration is used to access the user profile which contains the modular user information needed to carry out the customized content selection/targeting.

Applicant argues that Gerace does not teach a user already being registered with the system. Clearly Gerace teaches user registration throughout the disclosure.



Applicant argues other points using examples that are believed to be narrower than the claim scope for claim 1.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Jeffrey D. Carlson
Primary Examiner
Art Unit 3622

jdc
October 14, 2004

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